

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:15-CV-199-D

WENDELL M. TURNER,)
)
)
Plaintiff,)
)
v.)
)
EVELYN SAUNDERS, et al.,)
)
)
Defendants)

ORDER

On November 6, 2015, Magistrate Judge Swank issued a Memorandum and Recommendation (“M&R”) [D.E. 11]. In that M&R, Judge Swank recommended that plaintiff’s application to proceed in forma pauperis be allowed and that plaintiff’s complaint be dismissed for failure to comply with the court’s order to particularize and for failure to state a claim upon which relief can be granted. Plaintiff did not object to the M&R.

“The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made.” Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R and the record. The court is satisfied that there is no clear error on the face of the record. Plaintiff’s application to proceed in forma pauperis is GRANTED, and plaintiff’s complaint is DISMISSED for failure to comply with the court’s order to particularize

and for lack of subject-matter jurisdiction. The clerk shall close the case.

SO ORDERED. This 10 day of December 2015.



JAMES C. DEVER III
Chief United States District Judge